

Translation

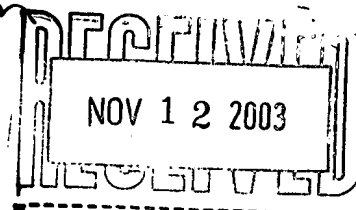
PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

does not belong w/ this application → 10/088553



Applicant's or agent's file reference 200-007-01	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP00/06391	International filing date (day/month/year) 19 September 2000 (19.09.00)	Priority date (day/month/year) 03 April 2000 (03.04.00)
International Patent Classification (IPC) or national classification and IPC G06F 17/60, B65G 1/137		
RECEIVED NOV 10 2003 Technology Center 2600		
Applicant DOJO, Makoto		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 13 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 26 October 2001 (26.10.01)	Date of completion of this report 13 February 2002 (13.02.2002)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 1-12,25-37

because:

☒ the said international application, or the said claims Nos. 1-12 relate to the following subject matter which does not require an international preliminary examination (*specify*):

SEE SUPPLEMENTAL SHEET

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

☒ the claims, or said claims Nos. 25-37 are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III

The disclosure of Claim 1 sets forth a plurality of steps, but there is no clear disclosure concerning the instigator of performance of each step, and it is understood that acts of humans are included.

Therefore Claim 1 is a business method based on deliberate arrangements and/or economic principles.

Claims 2 to 12, which refer back to Claim 1, are delimiting conditions concerning business methods, and similarly as a whole correspond to a business method.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	15, 17-24	YES
	Claims	13, 14, 16	NO
Inventive step (IS)	Claims		YES
	Claims	13-24	NO
Industrial applicability (IA)	Claims	13-24	YES
	Claims		NO

2. Citations and explanations

Claim 13

Document 1 (JP 10-320494 A (Toshiba Corporation), December 4, 1998 (04.12.98) (Family: none)), column 24, paragraph [0089] states that "the market client system (3) of buyers and sellers wishing to participate in the market prepares buying and selling application information and transfers it to a central market system (1), and paragraph [0091] states that "central market system (1) stores application data to purchasing application data storage part (12) or selling application data storage part (13) according to the transaction application information received from the client system (3)."

The configuration for receiving transaction application information from client systems in the aforementioned disclosures corresponds to the "providing condition receiving means" and "purchasing condition receiving means" in Claim 13 of this application. Moreover, the "purchasing application data storage part" and "selling application data storage part" in the aforementioned disclosure respectively correspond to the "purchasing condition storage" and "providing condition storage" in Claim 13 of this application.

Document 1, paragraph [0092] states that "the collating part (14) of the central market system (1)

collates applications for buying and selling from the market client system (3) and promotes the realization of transactions, and Document 1, column 25, paragraph [0100] to column 27, paragraph [0116] states that for a plurality of selling applications and a plurality of purchasing applications, the preferred conditions are collated, then transactions are realized for part or the whole of these applications. Document 1, paragraph [0093] states that "with regard to collating, a transaction is generally realized if the minimum selling price is equal to or lower than the maximum purchasing price. (omitted) There are a number of conceivable methods for determining the price at which transactions are concluded, with one example being the method of taking the intermediate value between the selling price and the purchase price, for example, and it indicates that a transaction is realized even if the providing price and the purchasing price do not correspond.

Document 1, paragraph [0083] states that "the central market system (1) and the market client system (3) are both constituted using a computer, etc," and it would be obvious to a person skilled in the art to derive it as an information processing device.

Claim 13 is therefore denied novelty by Document 1.

Similarly, it is clear that Claim 13 is denied an inventive step by Document 1.

Claim 14

The "client system" cited in Document 1 clearly corresponds to the "information processing device" in Claim 14 of this application.

Claim 14 is therefore denied novelty by Document 1.

Similarly, it is clear that Claim 14 is denied an inventive step by Document 1.

Claim 15

Document 1, Column 23, paragraph 83 states that "the central market system (1) and individual market client systems (3) are capable of communicating with one another via for example a designated network such as the Internet (without being illustrated)." A communication system using the Internet, wherein the input of designated data is carried out in a form format displayed on a screen, would be obvious to a person skilled in the art, and would be added by a person skilled in the art as necessary.

In addition, providing a format that corresponds to the subject of the transaction is a feature within the range of the usual creative capacity of a person skilled in the art, and is not acknowledged to involve any particular difficulty.

Claim 15 therefore does not involve an inventive step.

Claim 16

For the same reasons as Claim 14, novelty and an inventive step are denied by Document 1.

Claim 17

For the same reasons as Claim 15, an inventive step is denied by Document 1.

Claim 18

The relationship of "provider input support means," "customer input support means" and "matching means" in Claim 18 with Document 1 is the same as that stated concerning Claim 13, so is omitted here.

Document 1, column 25, paragraph [0094] states that "the central market system (1) notifies market client system (3) of both seller and buyer from notifying part (15) when a transaction has been realized, and paragraph [0096]

states that "it is preferable that the central market system (1) transfers necessary information to related systems to achieve cooperation with preparation of contracts, settlement of payments and logistics, etc. for transactions that have been realized," and it is clear that after the purchasing and providing side have been collated, support is provided so the transaction can be carried out. Therefore said constitution corresponds to the "transaction support means" in Claim 18 of this application.

The method for determining the agreed price disclosed in Document 1, entails carrying out the transaction at some agreed price if the price offered by the purchaser differs from the price offered by the seller. In contrast, in Claim 18 of this application, transactions are carried out at their respective offered prices.

Meanwhile, Document 1, column 25, paragraph [0093] states that "there are a number of conceivable methods for determining the price at which a transaction is carried out (omitted)," and the method of determining the agreed price is merely a matter to be determined in business, and one which would be determined as necessary by a person skilled in the art.

In addition, Nicholls, "New Airline Ticket Site Lets Consumers Set Prices"[online], internet.com Corp., April 6, 1998 (06.04.98) [date obtained: December 27, 2000 (27.12.00)] obtained from the following address over the Internet:

URL: http://www.internetnews.com/ec-news/article/0,,4_26841,00.html

(Document 2)

With regard to the matter of priority with this application, see: "Priceline.com Takes Off in First Week" Multimedia Daily, Vol. 5, Issue 70 [online], April 14,

1998 (14.04.98) [date obtained: December 27, 2000
(27.12.00)], Dialog Online Service
discloses a business model for commercial transactions
using computer systems, wherein the difference between the
price offered by the purchasing side and the price offered
by the providing side is received by the intermediary.

Both Documents 1 and 2 belong to the same technical
field of mediating in commercial transactions in
electronic commerce systems, and taking into account that
the method of determining the agreed price is merely a
matter determined deliberately in business, and that a
commission being collected for acting as an intermediary
was general commercial practice before the priority date
of this application, applying Document 2 to Document 1
would be obvious to a person skilled in the art, and does
not involve any particular difficulty.

Therefore, Claim 18 is denied an inventive step by
Documents 1 and 2.

Claim 19

Document 1, column 28, paragraph [0134] states that
"market client system (3) sends transaction prices at the
opening of the market and other information to central
market system (1) as time series data beforehand, and
central market system (1) automatically updates purchase
application data and selling application data for the
aforementioned market client system (3) as long as time
series data exists", and it would be obvious to a person
skilled in the art that the "time series data" is price
information with a given range.

Other points are the same as for Claim 18, and so
will be omitted here.

Therefore, Claim 19 is denied an inventive step by
Documents 1 and 2.

Claim 20

The "time series data" described in Document 1 referred to in the section concerning Claim 19 is data that includes the time that collating is carried out and the price at that point in time, and it is clear that for each collating time, the data corresponding to that time is used.

Therefore Claim 20 is denied an inventive step by Documents 1 and 2.

Claim 21

In Document 1, it is clear that collating is repeated a number of times.

Therefore Claim 21 is denied an inventive step by Documents 1 and 2.

Claim 22

Referring to Document 1, column 29, paragraphs [0140] to [0145], it is clear that time series data for which transactions were not established automatically becomes the subject of the next collation.

Therefore, Claim 22 is denied an inventive step in the light of Documents 1 and 2.

Claim 23

The matter of determining whether price information is disclosed or not in auctions is one which is carried out generally, and is merely an arrangement concerning business methods.

Moreover, Document 3 (US 6035289 A (International Business Machines Corporation), March 7, 2000 (07.03.00), (Family: none)) discloses double auctions using websites, and column 1, bottom line to column 2, line 3 states that "However, an example reason is that the shippers and carriers may not wish their asking prices for their

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respective goods or services to be known to their competitors," and column 6, lines 47-51 states that "It is envisioned that each shipper (10) and each carrier (12) can only view and change the orders and the specifications (termed herein as "attributes") of orders that entity itself placed," indicating that purchase prices are constituted in such a manner that they are disclosed only to customers and providers who offer the price.

Both Documents 1 and 3 disclose double auction systems using the Internet, and combining the two would not involve any particular difficulty.

Therefore, Claim 23 is denied an inventive step by Documents 1 and 3.

Claim 24

Document 1, column 26, paragraphs [107] to [109] indicates that if there are a plurality of combinations that could conceivably establish a transaction, then the combinations to be formed are determined by designated rules.

Said feature obviously corresponds to the "combination determining means" in Claim 24.

Therefore Claim 23 is denied an inventive step by Documents 1 to 3.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

(1) Claim 25

The disclosure that "for the designated delivery service specified by delivery conditions excluding at least price, the automatic extraction means which extracts from the providing condition data and purchasing condition data recorded on the aforementioned recording means those which satisfy delivery conditions" (hereinafter referred to as the "extraction means") and the "matching means which compares the provision condition data and purchasing condition data extracted by the automatic extraction means, and combines them in such a manner that the provision price and purchasing price are the same or the purchasing price is higher" (hereinafter referred to as the "matching means") disclosed in 25 are not fully supported by the description.

That is to say, the only disclosures concerning the extraction means are "... extracts those which satisfy delivery conditions" on p. 21 of the description, and the example of data indicated in Fig. 9. In addition, although there is a disclosure concerning the matching means from p. 21, line 16 to p. 24, line 2 of the description, that disclosure merely illustrates that the policy for processing using the illustrative data in Fig. 9 is a preferred feature.

In other words, with regard to the extraction means and matching means set forth in Claim 25, the method to determine the combinations that satisfy a variety of different delivery conditions is not acknowledged to be disclosed in the description as a specific method (procedure) to process general data using a computer or the like.

VIII. Certain observations on the international application

Meanwhile, US 6035289 A (International Business Machines Corporation), March 7, 2000 (07.03.00) disclosed before the priority data of this application, discloses specific methods of determining combinations that satisfy delivery conditions in a double auction system for distribution of goods carried out using websites.

Compared to the aforementioned document, technical disclosure in the description of this application is clearly inadequate, and Claim 25 and Claims 26 to 37 which refer back to Claim 25 are not acknowledged to be fully supported by the description to the extent to allow a judgment to be made on the novelty, an inventive step, and industrial applicability of the invention.

(2) Claims 34 and 35

With regard to the "fuzzy search means" in Claim 34, although the description contains a related disclosure from p. 25, line 6 to p. 26, line 6, merely preferable features are mentioned, and there is no disclosure of technical features to specifically achieve them.

Therefore Claims 34 and 35 are not acknowledged to be fully supported by the description to the extent to allow a judgment to be made on the novelty, an inventive step and industrial applicability of the invention.

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